

Before the Board of Zoning Adjustment, D. C.

Application No. 11993 of George and Giselle Kelly, pursuant to Section 8207.1 of the Zoning Regulations for a variance from the 900 square foot rule of Section 3301.1 of the regulations to permit the conversion of a flat to a three (3) unit apartment house in the R-4 Zone as provided by Section 8207.11 of the regulations, at the premises 637 D Street, S.E., Lot 20, Square 875.

HEARING DATE: September 17, 1975

DECISION DATE: September 30, 1975

FINDINGS OF FACT

1. Applicants propose to convert an existing flat to a three (3) unit apartment building in the R-4 Zone.

2. In 1963 the last recorded Certificate of Occupancy for the subject property was issued to permit use as a flat with one (1) unit located on the first (1st) floor and another unit located on the second (2nd) floor.

3. Applicants have renovated the basement of the subject property as a recreation room but wish to use it as an apartment rental unit.

4. The proposed conversion to an apartment house requires 900 square feet of lot area for each unit for a total of 2700 square feet but the subject property contains only 1,232 square feet.

5. There was unanimous opposition to the application by the Capitol Hill Restoration Society speaking in behalf of the neighbors. The subject lot is more than 54% deficient for the proposed use and objection by the neighbors and Capitol Hill Restoration Society was based upon the increased density and resulting detrimental effects on the existing parking problems.

CONCLUSIONS OF LAW

Based upon the above findings of fact and the evidence of record the Board finds that the applicants have failed to carry their burden of proof for a variance from the minimum lot area requirements of Section 3301.1 of the Zoning Regulations. The applicants have shown no extraordinary or exceptional situation or condition of the property by which strict application of the Zoning Regulations would result in exceptional practical difficulties and

they are already making beneficial use of their property. The Board is of the opinion therefore, that the proposed relief cannot be granted without substantial detriment to the public good and substantially impairing the intent of the Zoning Regulations.

ORDERED

It is hereby ordered that the above application be DENIED.

VOTE

4-0 (Dr. Lewis not voting, not having heard the case)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

1/8/75

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.